

## Message Text

UNCLASSIFIED POSS DUPE

PAGE 01 MANILA 06063 031151Z

66

ACTION L-03

INFO OCT-01 EA-09 ISO-00 JUSE-00 COME-00 EB-07 /020 W

----- 026964

R 030645Z MAY 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 4614

UNCLAS MANILA 6063

STATE FOR L/PM

E.O. 11652: NA

TAGS: PGOV, PFOR, RP

SUBJECT: PHILIPPINE LAWS ON QUESTIONABLE PAYMENTS

REF: STATE 94647

1. FOLLOWING ARE RESPONSES TO QUESTIONS POSED IN PARA 2  
OF REFTEL:

A. YES. THE PENAL CODE, THE QTE ANTI-GRAFT ANC CORRUPT  
PRACTICES ACT UNQTE, AND A 1972 PRESIDENTIAL DECREE ALL  
HAVE SUCH PROVISIONS.

B. NO. ALTHOUGH THE ANTI-GRART LAW REQUIRES OF ALL PUBLIC  
OFFICIALS A PERIODIC STATEMENT OF LIABILITIES AND  
ASSETS, INCLUDING AMOUNTS AND SOURCES OF INCOME, THERE IS  
NO REQUIREMENT FOR THOSE MAKING PAYMENTS TO DISCLOSE THEM.

C. NO. THERE IS NO LEGISLATION COVERING AGENTS PER SE,  
BUT THE ANTI-GRAFT LAW DOES PROVIDE FOR PUNISHMENT OF  
PERSONS WHO INDUCE OR CAUSE PUBLIC OFFICIALS TO COMMIT  
OFFENSES UNDER THAT LAW.

D. NO

E. NO

F. NO

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MANILA 06063 031151Z

2. TITLE SEVEN OF THE REVISED PENAL CODE PERTAINS TO

CRIMES COMMITTED BY PUBLIC OFFICERS. SECTION TWO OF CHAPTER TWO IS ENTITLED QTE BRIBERY UNQTE, AND PROOVIDES THAT ANY PUBLIC OFFICER WHO AGREES TO PERFORM A CRIMINAL ACT IN CONNECTION WITH HIS DUTIES, IN CONSIDERATION OF ANY GIFT OR OFFER OF A GIFT, IS GUILTY OF AN OFFENSE. AGREEING TO PERFORM AN ACT WHICH DOES NOT CONSTITUTE A CRIME IS ALSO AN OFFENSE, BUT THE PENALTY IS SOMEWHAT REDUCED IF THE ACT IS NOT ACCOMPLISHED. ACCEPTING GIFTS IS ALSO PUNISHABLE IF THE OBJECT IS TO MAKE THE OFFICER REFRAIN FROM DOING HIS DUTY. LESSER PENALTIES ARE SPECIFIED FOR QTE INDIRECT BRIBERY UNQTE; THAT IS, ACCEPTANCE OF GIFTS OFFERED SOLELY BY REASON OF HIS OFFICE. FINALLY, EQUIVALENT PENALTIES ARE SPECIFIED FOR THOSE WHO GIVE, OFFICER, OR PROMISE GIFTS TO PUBLIC OFFICIALS.

3. REPUBLIC ACT 3019, DATED AUGUST 17, 1960, IS ENTITLED THE QTE ANTI-GRAFT AND CORRUPT PRACTICES ACT UNQTE. IN ADDITION TO PREVIOUSLY-EXISTING LAW, IT FURTHER SPECIFIES THE FOLLOWING AS OFFENSES BY PUBLIC OFFICERS:

-- INFLUENCING ANOTHER OFFICIAL TO COMMIT A VIOLATION.

-- SOLICITING A GIFT FROM A PERSON WHO DEPENDS ON THE OFFICIAL'S PERFORMANCE OF HIS PUBLIC DUTY.

-- ACCEPTING EMPLOYMENT, BY HIMSELF OR A MEMBER OF HIS FAMILY, WITH AN ENTERPRISE WHICH HAS OFFICIAL BUSINESS WITH HIM.

--NEGLECTING OR REFUSING TO ACT ON A PENDING MATTER FOR THE PURPOSE OF GAINING SOME BENEFIT OR ADVANTAGE.

-- ENTERING INTO A CONTRACT OR TRANSACTION ON BEHALF OF THE GOVERNMENT WHICH IS GROSSLY DISADVANTAGEOUS TO THE GOVERNMENT, WHETHER OR NOT HE PROFITS BY THE ACT.

-- HAVING ANY FINANCIAL INTEREST IN ANY BUSINESS OR TRANSACTION IN CONNECTION WITH WHICH HE INTERVENES OR TAKES PART IN HIS OFFICIAL CAPACITY.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MANILA 06063 031151Z

-- BECOMING INTERESTED FOR PERSONAL GAIN IN ANY ACT REQUIRING THE APPROVAL OF A BOARD OF WHICH HE IS A MEMBER.

-- KWOWINGLY GRANTING LICENSES OR PERMITS TO THOSE WHO ARE NOT QUALIFIED OR ENTITLED.

-- DIVULGING VALUABLE INFORMATION OF A CONFIDENTIAL NATURE TO UNAUTHORIZED PERSONS.

WHERE APPLICABLE, THE SECOND PARTY INVOLVED IN THE ABOVE-LISTED ACTS IS ALSO SUBJECT TO PUNISHMENT. IT IS UNLAWFUL FOR ANY PERSON HAVING A FAMILY OR CLOSE PERSONAL RELATIONSHIP WITH AN OFFICIAL TO EXPLOIT THAT RELATIONSHIP BY RECEIVING A GIFT FROM SOMEONE HAVING A TRANSACTION WITH THE OFFICIAL. ANY PERSON KNOWINGLY INDUCING AN OFFICIAL TO COMMIT AN OFFENSE IS ALSO IN VIOLATION OF LAW. IT IS UNLAWFUL FOR THE SPOUSE OR ANY RELATIVE WITHIN THE THIRD CIVIL DEGREE OF THE PRESIDENT TO INTERVENE IN ANY BUSINESS TRANSACTION, CONTRACT OR APPLICATION WITH THE GOVERNMENT. PROHIBITIONS AGAINST CONFLICT OF INTEREST ARE ALSO PROVIDED FOR MEMBERS OF THE NOW-ABOLISHED CONGRESS.

4. THE ANTI-GRAFT LAW FURTHER PROVIDES THAT EVERY PUBLIC OFFICER MUST FILE, UPON ASSUMPTION OF OFFICE AND EVERY SECOND YEAR THEREAFTER, A DETAILED STATEMENT OF ASSETS AND LIABILITIES, INCLUDING A STATEMENT OF THE AMOUNTS AND SOURCES OF HIS INCOME, THE AMOUNTS OF HIS PERSONAL AND FAMILY EXPENSES AND THE AMOUNT OF INCOME TAXES PAID. THE ACT ALSO CONTAINS A PROVISION OF DISMISSAL OF OFFICIALS WHO HAVE ACQUIRED UNEXPLAINED WEALTH DURING THEIR INCUMBENCY.

5. PRESIDENTIAL DECREE 46, NOVEMBER 10, 1972, IN ORDER TO PUT MORE TEETH TO EXISTING LAWS AND REGULATIONS AND TO WIPE OUT ALL CONCEIVABLE FORMS OF GRAFT AND CORRUPTION IN THE PUBLIC SERVICE UNQTE, MAKES IT PUNISHABLE FOR ANY PUBLIC OFFICIAL OR EMPLOYEE, WHETHER OF THE NATIONAL OR LOCAL GOVERNMENTS, TO RECEIVE, DIRECTLY OR INDIRECTLY, AND FOR PRIVATE PERSONS TO GIVE, OR OFFER TO GIVE, ANY GIFT, PRESENT OR OTHER VALUABLE THING ON ANY OCCASION, WHEN SUCH A GIFT IS GIVEN BY REASON OF THE OFFICIAL'S POSITION.

UNCLASSIFIED  
UNCLASSIFIED

PAGE 04 MANILA 06063 031151Z

INCLUDED WITHIN THE PROHIBITION IS THE THROWING OF PARTIES OR ENTERTAINMENT IN HONOR OF THE OFFICIAL OR EMPLOYEE OR OF HIS IMMEDIATE RELATIVES.

6. COPIES OF THE LEGISLATION SUMMARIZED BRIEFLY ABOVE ARE BEING POUCHED TO L/PM.

SULLIVAN

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** BRIBERY, LAW, BUSINESS FIRMS, FOREIGN INVESTMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 MAY 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976MANILA06063  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760169-1009  
**From:** MANILA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760598/aaaadfzz.tel  
**Line Count:** 159  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE 94647  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** schwenja  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 JUN 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <17 JUN 2004 by wolfsd>; APPROVED <07 SEP 2004 by schwenja>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PHILIPPINE LAWS ON QUESTIONABLE PAYMENTS  
**TAGS:** PGOV, PFOR, RP  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006